

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION**

J. D. EVANS, INC.,
a South Dakota corporation,

Plaintiff,

vs.

**VOLVO GROUP NORTH
AMERICA, INC.,**
a Delaware corporation,

**VOLVO CONSTRUCTION
EQUIPMENT
NORTH AMERICA, INC.,**
a Delaware corporation,

**VOLVO ROAD MACHINERY,
INC.,** a North Carolina corporation,

INGERSOLL-RAND COMPANY,
a New Jersey corporation,

Defendants.

CIV 08-4059

The Hon. Lawrence Piersol

**PLAINTIFF’S REQUEST FOR STIPULATED
DISMISSAL WITH PREJUDICE**

WHEREAS, Plaintiff J.D. Evans, Inc. and Defendants Volvo Group North America, Inc., Volvo Construction Equipment North America, Inc., Volvo Road Machinery, Inc. and Ingersoll-Rand Company are parties to this litigation (hereinafter “Parties”) and have appeared through counsel; and

WHEREAS, Plaintiff no longer desires to proceed further with its case;

THEREFORE, pursuant to the provisions of FEDERAL RULE OF CIVIL

PROCEDURE 41(a)(1)(A)(ii), it is hereby stipulated and agreed, by and between the parties hereto through their counsel of record that:

1. This case be dismissed with prejudice as to all claims; and
2. That each party bear its own costs and attorney's fees.

The parties' signed stipulation is attached as Exhibit A.

Respectfully submitted,

Dated: November 30, 2009

/s/ Michael P. Healy

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CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2009, a true and correct copy of this document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's ECF system. Parties may access this filing through the Court's system.

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/s/ Michael P. Healy
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